

Senate

FRIDAY, JUNE 4, 1976

(Legislative day of Thursday, June 3, 1976)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. RICHARD STONE, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Great God, Lord of all men and nations, we thank Thee for this land so fair and free; for its worthy aims and noble purposes, for its instruments of governments, its homes, its churches, and its schools. We are thankful for people who have come to our shores with customs and accents to enrich our lives. Thou hast led us in the past, forgiving sins, correcting mistakes, confirming the right and the good. Lead us in days to come. Give us a voice to praise Thy goodness in this land of living men, and a will to serve Thee now and always, through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 4, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. RICHARD B. STONE, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. STONE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of Thursday, June 3, 1976, be approved.

Mr. ALLEN. Mr. President, reserving the right to object, we are still in the same legislative day as we were in yesterday, and my objection at this time to dispensing with the reading of the Journal would not cause the Journal to be read. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Chair notes that the objection was to the approving of the Journal, rather than the reading of the Journal.

Mr. ALLEN. What did the Chair say? The ACTING PRESIDENT pro tem-

pore. The Chair observes that the objection noted was as to the approval of the Journal, as opposed to the reading of the Journal.

Mr. ALLEN. No, the Senator from Alabama objected to dispensing with the reading of the Journal of yesterday.

Mr. ROBERT C. BYRD. Mr. President, I did not make that request.

Mr. ALLEN. I object to the reading being dispensed with or the approval, because the legislative day is the same as yesterday. I objected to the request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. For the record, to make the record clear, I did not ask to dispense with the reading of the Journal, but for the approval of the Journal.

The ACTING PRESIDENT pro tempore. The Chair has so stated.

Mr. ALLEN. I object to the approval of the Journal.

The ACTING PRESIDENT pro tempore. The objection is noted.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet until 12 o'clock today, or until the end of morning business, whichever comes later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield the floor.

Mr. HELMS. I yield on behalf of the minority.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. MORGAN) is recognized for not to exceed 15 minutes.

A DIALOG ON FREEDOM AND INTELLIGENCE

Mr. MORGAN. Mr. President, I was fortunate, during my first year of service to the United States as a Senator, to be appointed a member of the Senate Select Committee on Intelligence Activities. I regard the accomplishments of that committee as some of the most important work ever undertaken in the Congress concerning the rights and civil liberties of American citizens. Recently, in a significant display of support for the work of the committee, the full Senate followed through on one of the central recommendations of the committee and established a permanent committee to oversee the activities of this Nation's intelligence agencies. I was appointed to that committee and look forward to continued service in that general area.

I feel strongly that the new committee, by increasing the accountability of intelligence agencies to the Congress, will make them able to more effectively perform their vital functions while at the same time insure that the principles of freedom on which this country was founded will be held in high regard by those agencies.

The committee conducted many public hearings during its investigation, with some of them being televised nationally. While these hearings and the investigation itself necessarily focused on past abuses of the intelligence agencies, there were several themes and undercurrents present which I feel, because of their subtle nature, need to be reemphasized to the American people. The revealing of past abuses of agencies such as the FBI and CIA to the citizens of our Nation was a relatively simple matter once the abuses had been discovered. Explaining the significance of the abuses, as they relate to the sustenance of our democratic way of life, is a far more difficult task. I make this statement after a careful review of the hundreds of letters I received during the course of the investigation, conversations with my constituents and citizens of other States, and upon determining a general atmosphere I found exhibited by the personnel of the agencies the committee was investigating.

In an effort to increase the awareness of the American people of the functioning of our intelligence agencies and as a means of developing conversation and dialog on the interrelationship of those activities and the inherent rights of American citizens I intend to, during the month preceding our celebration of our 200th anniversary as a nation, enter into the CONGRESSIONAL RECORD some of my thoughts on what I feel are significant themes which were present during the course of the select committee's investigation and which in all likelihood will reappear during the work of the Oversight Committee.

Just as the committee's investigation revealed thousands of abuses of constitutionally guaranteed rights of American citizens committed by intelligence agencies over the last 40 years, the work of the committee also unequivocally demonstrated our need for, and the importance of, an effective intelligence-gathering capability. The recognition of this need is a prerequisite to any discussion of past actions taken by the members of our intelligence community.

The Central Intelligence Agency was established in the wake of World War II and after analyses of information known to various of our military branches indicated that had the information they

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possessed been centrally organized and evaluated we would have known in advance of the Japanese attack on Pearl Harbor. Thus, the purpose of establishing the CIA was to provide for, in the words of our Declaration of Independence, a more effective "common defense" of our Nation. There should be no argument among American citizens, despite present efforts to ease world tensions, that a strong defense is an absolute prerequisite to our continued existence as a nation.

Similarly, the Federal Bureau of Investigation developed its reputation as one of the most effective law enforcement agencies in the world by enforcing the Federal criminal laws of our country, thereby protecting the citizen and the Nation from those whose activities in disregard for the law threatened, again in the words of our Declaration of Independence, our "domestic tranquillity." An additional and important function of the FBI is the conducting of intelligence operations directed at foreign espionage efforts against the United States. No one would say the purposes of these activities are improper. In today's world, our needs for an effective Central Intelligence Agency and Federal Bureau of Investigation are more than apparent.

The committee's work, however, revealed that for various reasons, some understandable but still improper, and others without any basis in law or logic, our intelligence agencies, in attempting to maintain our security, acted with complete disregard for a basic tenet of our democratic society. It has often been repeated that ours is a government of laws and not one of men. We assume that the law is just and that justice is blind. When we feel there are inequities in our laws, we seek change through the courts, our legislative processes, or through executive mandate. We equip our Nation, States, counties, and municipalities with necessary means to enforce our laws and seek swift and effective punishment for those who violate them. Our society, while recognizing the fallibility of man, strives for perfection through a well-evolved legal process.

The Select Committee's final report on "Intelligence Activities and the Rights of Americans" states that—

Legal issues were clearly not a primary consideration—if they were, a consideration at all—in many of the programs and techniques of the intelligence community.

Stated plainly, many activities of our intelligence agencies were above and beyond the law. These activities not only involved patent violations of the law but more seriously constituted actions which infringed on the rights of our citizens and our fellow Americans. And the violation of the rights of a single American constitutes a violation of the rights of all Americans, no matter his creed or station in life.

Mr. President, my greatest concern for the future of America, for my State, for my family, for us all, is that we remain free. To do this we must first define freedom, as our forefathers did in the Constitution and Bill of Rights, and live our lives accordingly. Not only must this be done by those who seek change or feel

aggrieved by our society, but even more so by those charged with insuring our defense and tranquillity.

Only by positively affirming that neither the least nor the most powerful of us is above the rule of law can we attain the true freedom our forefathers sought 200 years ago.

I thank the Chair.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for not to exceed 15 minutes.

CONGRESSIONAL ETHICS

Mr. ROTH. Mr. President, when I was talking to people in Delaware over the Memorial Day weekend, I found them more cynical than ever about Congress as an institution. Many references were made to the Wayne Hays scandal, of course, but the main point is that people regard the Hays matter not as an isolated instance but as part of a general pattern of moral laxity in Congress and coverup. The present scandal only reinforces a negative image already there and further contributes to the already dismal condition of public confidence in Congress. Even before the Hays revelations, a Harris poll found that only 9 percent of the American people have a great deal of confidence in the leadership of Congress. This compares to 18 percent 2 years ago and 42 percent in 1966.

If Congress is to retain the public's confidence, it must have the courage to clean up its own house. It has been applying a double standard of morality, pressing ahead with investigations of the executive branch, Watergate, the CIA, and multinational corporations, but reluctantly acting on charges of congressional misbehavior only when forced to. Congress, which has been so ready to preach morality to others, has failed to enforce acceptable standards for itself.

Under pressure, the House Committee on Standards of Official Conduct is formally investigating allegations involving Congressman Hays and earlier and different charges against Congressman Sikes. Aside from these, here are some other serious allegations:

Charges that Members of Congress other than Hays have nonworking employees on their payrolls.

Charges that some Members accepted illegal payments from Gulf Oil Co.

Charges that two Members of the House accepted bribes from the South Korean Government.

Charges that several Members of the House turned in false travel vouchers, receiving reimbursement for travel expenses they never paid.

Charges that a Member of the House extorted payments from illegal aliens in return for introducing private bills on their behalf.

I have no personal knowledge of whether any of these allegations are correct, but if they are, these cases should be fully investigated

and cleared up. When serious and well-founded charges are made, Congress should show the same vigor in following up on them as it does when the charges involve others. If Congress is going to have high credibility in performing its proper function of investigating abuses elsewhere, we must show that we are willing to apply a single high standard of ethical conduct to all, including ourselves.

Congress has been suspicious when dealing with others, but generous and tolerant in dealing with its own Members. In the case of the House travel vouchers, for example, there appears to be a great willingness to accept the word of Members that they simply did not look at the vouchers they signed and did not realize that they were claiming reimbursement for hundreds or even thousands of dollars they did not spend. I am sure that if similar pleas were made by executive branch or corporation officials, they would be met with derision.

There can be no double standard when it comes to ethics. An individual should receive no special consideration just because he is in Congress rather than in the executive branch, or just because he is in one party rather than the other, or just because he is powerful or well-liked by his colleagues.

I was a freshman Member of the House when we created the Committee on Standards of Official Conduct. There were high hopes then and a great deal of rhetoric to the effect that that committee and its Senate counterpart would insure a high standard of ethical behavior in Congress and prevent the kinds of abuse so evident in the Bobby Baker and Adam Clayton Powell affairs.

Today these committees are generally viewed as do-nothing, flaccid committees. I hope this situation will be rectified for the good of Congress and the good of the country. We have the machinery to make the investigations that are needed. We have the laws we need. Congress should use the machinery to enforce the laws that we have written.

I believe that whenever there are serious and well-founded allegations of misconduct by Members of Congress, the House and Senate ethics committees should immediately undertake investigations on their own initiative. The honest should be exonerated; the guilty should be punished. That is only fair for Congress as an institution and for those Members who are accused.

Mr. President, I yield back the remainder of my time.

ORDER VITIATING ORDERS FOR RECOGNITION OF SENATOR MERCALF AND SENATOR HRUSKA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Mr. MERCALF and Mr. HRUSKA be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☐ SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Executive Registry

76-2423

FROM:

EXTENSION

NO.

DATE

Legislative Counsel

7 June 1976

STATINT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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Director

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For your information, I am attaching a page from the 4 June Congressional Record containing remarks by Senator Morgan on the new Senate Select Committee on Intelligence, of which he is a member.

George L. Cary
Legislative Counsel

STATINTL

14. Executive Registry
Room 7-E-12
Headquarters ✓

(EXECUTIVE REGISTRY FILE OLC)